

Before the
Federal Communications Commission
Washington, D.C. 20554

FEB 9 1 21 PM '04

In the Matter of)

)
Reclassification of License
of Station KURB(FM)
Little Rock, Arkansas)

RM-10838

ORDER TO SHOW CAUSE**Adopted: February 4, 2004****Released: February 9, 2004****Comment Date: March 25, 2004**

By the Assistant Chief, Audio Division:

1. Before the Audio Division for consideration is a petition for rule making filed by Charles Crawford ("Crawford"), requesting the allotment of Channel 254A at Cave City, Arkansas, as the community's first local commercial FM transmission service. To accommodate this allotment, Crawford also requests the reclassification of Station KURB(FM), Channel 253C, Little Rock, Arkansas, to specify operation on Channel 253C0.¹ Station KURB(FM) currently operates on Channel 253C with an effective radiated power of 100 kilowatts at 392 meters height above average terrain ("HAAT"), which is below the minimum Class C antenna height of 450 meters HAAT. Crawford asserts that as Station KURB(FM) currently operates below minimum Class C standards, it is subject to reclassification as a Class C0 facility² and as set forth in 1.420(g), note 2, and Section 73.3573, note 4 of the Commission's Rules. For the reasons discussed below we are issuing this *Order to Show Cause* to Citadel Broadcasting Company ("Citadel"), licensee of Station KURB(FM), Little Rock, Arkansas.

2. The reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments. In instances where an initiating petition proposes amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved.

3. In order to comply with the Commission's Class C0 reclassification procedures, we direct Citadel, licensee of Station KURB(FM) at Little Rock, Arkansas, to show cause why its license for Station KURB(FM) should not be modified to specify operation on Channel 253C0 in lieu of Channel 253C at Little Rock, Arkansas. The license for Station KURB(FM), Channel 253C, Little Rock, Arkansas, can be modified to Channel 253C0 at its currently authorized transmitter site.³

¹ The distance between the required site for requested Channel 254A at Cave City, Arkansas, and Station KURB(FM)'s licensed site at Little Rock, Arkansas, is 153.2 kilometers, whereas a minimum distance of 165 kilometers is required between Class A to C first adjacent channel allotments. Crawford advises that if Station WYSF operates as a Class C0 facility, the short-spacing to the proposed use of Channel 254A at Cave City would be eliminated.

² See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000).

³ Coordinates at the licensed site for Station KURB(FM) at Little Rock are 34-47-56 NL and 92-29-44 WL

4. Pursuant to Section 1.87 of the Commission's Rules, Citadel may, no later than March 22, 2004, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call on Citadel to furnish additional information. If Citadel raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, Citadel will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final *Order* will be issued by the Commission if the channel modification is found to be in the public interest.

5. If Citadel chooses to seek authority to modify its facilities, an acceptable application for a construction permit to increase Station KURB(FM)'s antenna height to at least 450 meters HAAT must be filed with the Commission within 180 days subsequent to the show cause response due date March 22, 2004. Upon the filing of an acceptable construction permit application, the proposal to allot Channel 254A at Cave City, Arkansas, will be dismissed. The present three-year construction period will be applicable should Citadel obtain a construction permit for Channel 253C, as specified herein, under this procedure. If the construction is not completed as authorized, Station KURB(FM) is subject to reclassification automatically as a Class C0 station and, in that event, a new petition for rule making to allot Channel 254A at Cave City, Arkansas, may be refiled.

6. In view of the above, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Citadel, licensee of Station KURB(FM), Little Rock, Arkansas, SHALL SHOW CAUSE why its license should not be modified to specify reclassification as a Class C0 Station at Little Rock.

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Order to Show Cause* by Certified Mail, Return Receipt Requested, to the following:

Citadel Broadcasting Company
City Center West, Suite 400
7201 W. Lake Mead Blvd.
Las Vegas, Nevada 89128

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1156 15th Street, N.W., Suite 610
Washington, D.C. 20005-1770

8. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau